



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,050	12/14/2000	Christopher Tate	583-1044	7139

7590 07/21/2004

Lee, Mann, Smith, McWilliams, Sweeney & Ohlson
PO Box 2786
Chicago, IL 60690-2786

EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
----------	--------------

2614

9

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,050

Applicant(s)

TATE ET AL.

Examiner

James Sheleheda

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/06/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut (5,446,490) (previously presented) in view of Budow (5,521,631) (previously presented).

As to claim 22, Blahut discloses a computer executable software code stored on a computer readable medium (wherein ITV Server, 120 and Headend Equipment, 101 must inherently include a program code in some storage to operate), the code being for streaming data between a content providing server (programming center 121 and program library 122) and at least a first and a second recipient subscribers (104, column 3, lines 59-65) the code comprising:

code to **receive** an incoming data stream corresponding to content (column 3, lines 38-42),

code to **generate** at least a first and a second onward data streams (column 8, lines 38-45 and lines 50-56),

code to **transmit** the at least the first and second onward data streams to the at least the first and second recipient subscribers, respectively, in response to an incoming data stream (column 8, lines 38-45 and lines 50-56),

wherein the at least first and second onward data streams **correspond** substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to each other by a respective offset value (see Fig. 5).

While Blahut discloses at least a first and second recipient subscribers receiving data streams, he fails to specifically disclose wherein the recipient subscribers are servers.

Budow discloses a video distribution system wherein video broadcast from a distribution center (Fig. 1, 2a) is received by recipient servers (Fig. 2, video server 12, column 6, lines 40-57), at each location, for the advantage of allowing customers more control over and interaction with the video programming (column 4, lines 44-48).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut's system to include the use of recipient servers, as taught by Budow, for the advantage of allowing customers more control over and interaction with the video programming.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut and Budow as applied to claim 22 above, and further in view of Debey (5,701,582) (previously presented).

As to claim 23, while Blahut and Budow disclose the generating of first and second onward data streams, they fail to specifically disclose wherein data streams are generated prior to receipt of all of an incoming data stream.

Debey discloses the transmission of digital programming streams (column 14, lines 22-36), received at A/V digitizing units, (72 in Fig. 7A, column 13 lines 64-67 and column 14, lines 1-21), which are generated prior to receipt of all of an incoming data stream (column 14, lines 22-36), for the typical advantage of transmitting live television feeds to viewers as they are received.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut and Budow's system to include wherein data streams are generated prior to receipt of all of the incoming data stream, as taught by Debey, for the typical advantage of transmitting live television feeds to viewers as they are received.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut and Budow as applied to claim 22 above, and further in view of Hendricks (5,600,573) (previously presented).

As to claim 24, while Blahut and Budow disclose wherein data streams are transmitted with an offset value, they fail to specifically disclose wherein the content providing server provides the programming offset value.

Hendricks discloses an Operations Center which transmits control information pertaining to near video on demand (such as offset values; column 4, lines 8-24) prior to transmission to a cable headend (column 6, lines 15-31) for the advantage of enabling a single site to remotely manage and control cable programming throughout a particular region (column 4, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut and Budow's system to include wherein the content providing server provides programming control information (such as programming offset values), as taught by Hendricks, for the advantage of enabling a single site to remotely manage and control cable programming throughout a particular region.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut and Budow as applied to claim 22 above, and further in view of Ganek (5,724,646) (previously presented).

As to claim 25, while Blahut and Budow disclose wherein a processor is arranged to transmit a plurality of data streams with an offset value, they fail to specifically disclose wherein the first data stream loops at least once.

Ganek discloses a near video on demand system where a program continuously transmits (loops) over a primary channel (Fig. 5b, column 1, lines 55-60) for the typical advantage of providing the video programming for an extended period of time.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify the combined system of Blahut and Budow to include wherein the first data stream loops at least once, as taught by Ganek, for the typical advantage of providing the video programming for an extended period of time.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut in view of Budow, Lewis et al. (Lewis) (6,009,099) and Hendricks.

As to claim 1, Blahut discloses a system for streaming data (Fig. 1) comprising: a **content providing server** (programming center 121 and program library 122) capable of storing content and communicating the content to at least a first and second recipient subscribers (104) via a communications network (column 3, lines 38-58),

and a **distribution server** (ITV Server, 120 and Headend Equipment, 101) coupled in-line between the content providing server and the at least first and second recipient subscribers (see Fig. 1),

wherein the distribution server is arranged to **generate** at least a first and a second onward data streams and **transmit** the at least the first and second onward data streams to the at least the first and second recipient subscribers, respectively (column 8, lines 38-45 and lines 50-56), in response to an incoming data stream received from the content providing server and corresponding to the content (column 3, lines 38-42),

wherein the at least first and second onward data streams **correspond** substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to each other by a respective offset value (see Fig. 5).

While Blahut discloses at least a first and second recipient subscriber receiving transmissions from the distribution server and wherein the distribution server communicates content not currently scheduled in response to a request (distributing unscheduled content; see Fig. 6, steps 602-605; column 8, lines 67-68 and column 9, lines 1-6),

he fails to specifically disclose wherein the recipient subscribers are servers, wherein the content providing server communicates the content in response to a request and wherein the distribution server receives control data from the content providing server which indicates the offset value.

In an analogous art, Budow discloses a video distribution system (Fig. 1) wherein video broadcast from a distribution center (Fig. 1, 2a) is received by recipient servers (Fig. 2, video server 12, column 6, lines 40-57), at each location, for the benefit of allowing customers more control over and interaction with the video programming (column 4, lines 44-48).

Additionally, in an analogous art, Lewis discloses a video distribution system (see Figure) wherein a user will make a request for particular channel of programming (column 2, lines 24-29) and wherein the request is transmitted to a distribution server (Digital multicast bank, 16; column 55, lines 56-64) which will then send the request to content providers (Video information providers, 12; column 2, lines 61-64) if the requested content is not currently available at the distribution server (column 56-64) for the typical benefit of providing users with additional content not currently available at the distribution server (column 2, lines 56-64).

Furthermore, in an analogous art, Hendricks discloses an video distribution system (Fig. 1) wherein an Operations Center will transmit control information (control data) pertaining to near video on demand (such as offset values; column 4, lines 8-24) prior to transmission to a cable headend (column 6, lines 15-31) which distributes the video for local users (column 6, lines 31-37) for the benefit of enabling a single site to

remotely manage and control cable programming throughout a particular region (column 4, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut's system to include the use of recipient servers, as taught by Budow, for the benefit of allowing customers of a hospitality establishment more control over and interaction with the received video programming.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut and Budow's system to include wherein the content providing server communicates the content in response to a request, as taught by Lewis, for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut, Budow and Lewis' system to include wherein the distribution server receives control data from the content providing server which indicates the offset value, as taught by Hendricks, for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region.

As to claim 3, Blahut, Budow, Lewis and Hendricks disclose wherein the offset value is provided by the content providing server (control data, such as offset values, provided by the Operations Center; see Hendricks at column 4, lines 8-24).

Art Unit: 2614

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut, Budow, Lewis and Hendricks as applied to claim 1 above, and further in view of Debey.

As to claim 2, while Blahut, Budow, Lewis and Hendricks disclose the generating of first and second onward data streams, they fail to specifically disclose wherein data streams are generated prior to receipt of all of an incoming data stream.

In an analogous art, Debey discloses the transmission of digital programming streams (column 14, lines 22-36), received at A/V digitizing units, (72 in Fig. 7A, column 13 lines 64-67 and column 14, lines 1-21), which are generated prior to receipt of all of an incoming data stream (column 14, lines 22-36), for the typical benefit of allowing the transmission of live television feeds to viewers as they are received.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut, Budow, Lewis and Hendricks' system to include wherein data streams are generated prior to receipt of all of the incoming data stream, as taught by Debey, for the typical benefit of allowing live television feeds to be transmitted to viewers as soon as they are received at the distribution server.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut, Budow, Lewis and Hendricks as applied to claim 1 above, and further in view of Ganek.

As to claim 4, while Blahut, Budow, Lewis and Hendricks disclose wherein the distribution server is arranged to transmit a plurality of data streams with an offset value, they fail to specifically disclose wherein the first data stream loops at least once.

In an analogous art, Ganek discloses a near video on demand system (Fig. 1) where a program continuously transmits (loops) over a primary channel (Fig. 5b, column 1, lines 55-60) for the typical benefit advantage of providing the video programming for an extended period of time.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut, Budow, Lewis and Hendricks' system to include wherein the first data stream loops at least once, as taught by Ganek, for the typical benefit of providing the video programming to viewers for an extended period of time.

9. Claims 10, 12, 14 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut in view of Budow and Hendricks.

As to claim 10, while Blahut discloses a method of streaming data (Fig. 1) between a content providing server (programming center 121 and program library 122) and at least a first and a second recipient subscribers (104, column 3, lines 59-65) the method comprising the steps of: **receiving** an incoming data stream corresponding to content (column 3, lines 38-42) at a distribution server (ITV Server, 120 and Headend Equipment, 101; column 3, lines 38-42) and in response (wherein the data streams are not distributed until after receipt of the content):

generating at least a first and a second onward data streams (column 8, lines 38-45 and lines 50-56), and

transmitting the at least the first and second onward data streams to the at least the first and second recipient subscribers, respectively, in response to an incoming data stream (column 8, lines 38-45 and lines 50-56);

wherein the at least first and second onward data streams **correspond** substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to each other by a respective offset value (see Fig. 5),

he fails to specifically disclose wherein the recipient subscribers are servers, wherein the content providing server communicates the content in response to a request and wherein the distribution server receives control data from the content providing server which indicates the offset value.

In an analogous art, Budow discloses a video distribution system (Fig. 1) wherein video broadcast from a distribution center (Fig. 1, 2a) is received by recipient servers (Fig. 2, video server 12, column 6, lines 40-57), at each location, for the benefit of allowing customers more control over and interaction with the video programming (column 4, lines 44-48).

Furthermore, in an analogous art, Hendricks discloses an video distribution system (Fig. 1) wherein an Operations Center will transmit control information (control data) pertaining to near video on demand (such as offset values; column 4, lines 8-24) prior to transmission to a cable headend (column 6, lines 15-31) which distributes the video for local users (column 6, lines 31-37) for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region (column 4, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut's system to include the use of recipient servers, as taught by Budow, for the benefit of allowing customers of a hospitality establishment more control over and interaction with the received video programming.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut and Budow's system to include wherein the distribution server receives control data which indicates the offset value, as taught by Hendricks, for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region.

As to claim 12, Blahut, Budow and Hendricks disclose wherein the offset value is provided by the content providing server (control data, such as offset values, provided by the Operations Center; see Hendricks at column 4, lines 8-24).

As to claim 14, Blahut discloses a computer executable software code stored on a computer readable medium (wherein ITV Server, 120 and Headend Equipment, 101 must inherently include a program code in some storage to operate), the code being for streaming data between a content providing server (programming center 121 and program library 122) and at least a first and a second recipient subscribers (104, column 3, lines 59-65) the code comprising:

code to **receive** an incoming data stream corresponding to content (column 3, lines 38-42),

code to **generate** in response to the incoming data stream received (wherein the data streams are not generated until after receipt of the content), at least a first and a second onward data streams (column 8, lines 38-45 and lines 50-56),

code to **transmit** in response to the incoming data stream received (wherein the data streams are not distributed until after receipt of the content), the at least the first and second onward data streams to the at least the first and second recipient subscribers, respectively, in response to an incoming data stream (column 8, lines 38-45 and lines 50-56),

wherein the at least first and second onward data streams **correspond** substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to each other by a respective offset value (see Fig. 5).

While Blahut discloses at least a first and second recipient subscribers receiving data streams, he fails to specifically disclose wherein the recipient subscribers are servers and wherein the distribution server receives control data from the content providing server which indicates the offset value.

In an analogous art, Budow discloses a video distribution system (Fig. 1) wherein video broadcast from a distribution center (Fig. 1, 2a) is received by recipient servers (Fig. 2, video server 12, column 6, lines 40-57), at each location, for the benefit of allowing customers more control over and interaction with the video programming (column 4, lines 44-48).

Furthermore, in an analogous art, Hendricks discloses an video distribution system (Fig. 1) wherein an Operations Center will transmit control information (control

Art Unit: 2614

data) pertaining to near video on demand (such as offset values; column 4, lines 8-24) prior to transmission to a cable headend (column 6, lines 15-31) which distributes the video for local users (column 6, lines 31-37) for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region (column 4, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut's system to include the use of recipient servers, as taught by Budow, for the benefit of allowing customers of a hospitality establishment more control over and interaction with the received video programming.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut and Budow's system to include wherein the distribution server receives control data which indicates the offset value, as taught by Hendricks, for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region.

As to claim 16, Blahut, Budow and Hendricks disclose code to enable the content providing server to provide the offset value (control data, such as offset values, provided by the Operations Center; see Hendricks at column 4, lines 8-24).

As to claim 18, Blahut discloses a computer (ITV Server, 120 and Headend Equipment, 101) for streaming data between a content providing server (programming center 121 and program library 122) and at least a first and a second recipient

Art Unit: 2614

subscribers (104, column 3, lines 59-65), comprising **memory** having at least one region for storing computer executable program code (wherein any computer server must inherently include a program code in some storage medium to operate), and

a **processor** (In ITV server, 120; column 3, lines 59-65), for executing the program code stored in memory wherein the program code includes:

code to **receive** an incoming data stream corresponding to content (column 3, lines 38-42),

code to **generate** in response to the incoming data stream (wherein the data streams are not generated until after receipt of the content), at least a first and a second onward data streams (column 8, lines 38-45 and lines 50-56),

code to **transmit** in response to the incoming data stream (wherein the data streams are not distributed until after receipt of the content), the at least the first and second onward data streams to the at least the first and second recipient subscribers, respectively, in response to an incoming data stream (column 8, lines 38-45 and lines 50-56),

wherein the at least first and second onward data streams **correspond** substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to each other by a respective offset value (see Fig. 5).

While Blahut discloses at least a first and second recipient subscribers receiving data streams, he fails to specifically disclose wherein the recipient subscribers are servers and wherein the distribution server receives control data from the content providing server which indicates the offset value.

In an analogous art, Budow discloses a video distribution system (Fig. 1) wherein video broadcast from a distribution center (Fig. 1, 2a) is received by recipient servers (Fig. 2, video server 12, column 6, lines 40-57), at each location, for the benefit of allowing customers more control over and interaction with the video programming (column 4, lines 44-48).

Furthermore, in an analogous art, Hendricks discloses an video distribution system (Fig. 1) wherein an Operations Center will transmit control information (control data) pertaining to near video on demand (such as offset values; column 4, lines 8-24) prior to transmission to a cable headend (column 6, lines 15-31) which distributes the video for local users (column 6, lines 31-37) for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region (column 4, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut's system to include the use of recipient servers, as taught by Budow, for the benefit of allowing customers of a hospitality establishment more control over and interaction with the received video programming.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut and Budow's system to include wherein the distribution server receives control data which indicates the offset value, as taught by Hendricks, for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region.

As to claim 20, Blahut, Budow and Hendricks disclose code to enable the content providing server to provide the offset value (control data, such as offset values, provided by the Operations Center; see Hendricks at column 4, lines 8-24).

10. Claims 11, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut, Budow and Hendricks as applied to claims 10, 14 and 18 above, and further in view of Debey.

As to claims 11, 15 and 19, while Blahut, Budow and Hendricks disclose the generating of first and second onward data streams, they fail to specifically disclose wherein data streams are generated prior to receipt of all of an incoming data stream.

In an analogous art, Debey discloses the transmission of digital programming streams (column 14, lines 22-36), received at A/V digitizing units, (72 in Fig. 7A, column 13 lines 64-67 and column 14, lines 1-21), which are generated prior to receipt of all of an incoming data stream (column 14, lines 22-36), for the typical benefit of allowing the transmission of live television feeds to viewers as they are received.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut, Budow and Hendricks' system to include wherein data streams are generated prior to receipt of all of the incoming data stream, as taught by Debey, for the typical benefit of allowing live television feeds to be transmitted to viewers as soon as they are received at the distribution server.

11. Claims 13, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut, Budow and Hendricks as applied to claims 10, 14 and 18 above, and further in view of Ganek.

As to claim 13, while Blahut, Budow and Hendricks disclose wherein the distribution server is arranged to transmit a plurality of data streams with an offset value, they fail to specifically disclose wherein the first data stream loops at least once.

In an analogous art, Ganek discloses a near video on demand system (Fig. 1) where a program continuously transmits (loops) over a primary channel (Fig. 5b, column 1, lines 55-60) for the typical benefit advantage of providing the video programming for an extended period of time.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut, Budow and Hendricks' system to include wherein the first data stream loops at least once, as taught by Ganek, for the typical benefit of providing the video programming to viewers for an extended period of time.

12. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut in view of Budow, Debey, Fluss (6,304,578) (previously presented) and Hendricks.

As to claim 5, while Blahut discloses a multicast server for streaming data (ITV Server, 120 and Headend Equipment, 101), comprising a **processor** unit (In ITV server, 120; column 3, lines 59-65),

the processor unit being arranged to **receive** an incoming data stream corresponding to content (column 3, lines 38-58),

wherein the processor unit is further arranged to **generate** at least a first and a second onward data streams (column 8, lines 38-45 and lines 50-56) for **transmission** to at least a first and second recipient subscribers (104), respectively (column 8, lines 38-45 and lines 50-56), in response to an incoming data stream (column 3, lines 38-42),

wherein the at least first and second onward data streams **correspond** substantially to the content (column 8, lines 15-63) and are **offset** in time with respect to each other by a respective offset value (see Fig. 5),

he fails to specifically disclose a storage device coupled to the processor for storing content, wherein the recipient subscribers are servers, and a router coupled to the processor.

In an analogous art, Debey discloses a cable headend transmission system (Fig. 7A; column 13, lines 50-54) with a storage device (storage units, 76) coupled to a processor (master control unit, 74) which stores video data (column 14, lines 11-36) for the typical benefit of enabling programming to be stored for transmission at a later time.

Additionally, in an analogous art, Budow discloses a video distribution system (Fig. 1) wherein video broadcast from a distribution center (Fig. 1, 2a) is received by recipient servers (Fig. 2, video server 12, column 6, lines 40-57), at each location, for the benefit of allowing customers more control over and interaction with the video programming (column 4, lines 44-48).

Furthermore, in an analogous art, Fluss discloses a video distribution system (Fig. 1) wherein a cable head end (103) will include a router (105; column 4, lines 32-39) for the typical benefit of routing data packets to the appropriate users (column 4, lines 16-20).

Also, in an analogous art, Hendricks discloses an video distribution system (Fig. 1) wherein an Operations Center will transmit control information (control data) pertaining to near video on demand (such as offset values; column 4, lines 8-24) prior to transmission to a cable headend (column 6, lines 15-31) which distributes the video for local users (column 6, lines 31-37) for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region (column 4, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut's system to include a storage device for storing content, as taught by Debey, for the typical benefit of enabling the distribution server to store programming for transmission at a later time.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut and Debey's system to include the use of recipient servers, as taught by Budow, for the benefit of allowing customers of a hospitality establishment more control over and interaction with the received video programming.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut, Debey and Budow's system to include a

router, as taught by Fluss, for the typical benefit of ensuring that data packets to be transmitted are correctly routed to the appropriate users.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut, Debey, Budow and Fluss' system to include wherein the distribution server receives control data which indicates the offset value, as taught by Hendricks, for the benefit of enabling a single site to remotely manage and control cable programming throughout a particular region.

As to claim 6, Blahut, Debey, Budow, Fluss and Hendricks disclose wherein the router is arranged to transmit the at least first and second onward data streams to the at least first and second recipient servers, respectively (wherein the router transmits each data packet to the respective user; see Fluss at column 4, lines 34-45).

As to claim 7, Debey further discloses the transmission of digital programming streams (column 14, lines 22-36), received at A/V digitizing units, (72 in Fig. 7A, column 13 lines 64-67 and column 14, lines 1-21), which are generated prior to receipt of all of an incoming data stream (column 14, lines 22-36), for the typical benefit of allowing the transmission of live television feeds to viewers as they are received.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to further modify Blahut, Debey, Budow, Fluss and Hendricks' system to include wherein data streams are generated prior to receipt of all of the incoming data stream, as further taught by Debey, for the typical benefit of allowing live

Art Unit: 2614

television feeds to be transmitted to viewers as soon as they are received at the distribution server.

As to claim 8, Blahut, Debey, Budow, Fluss and Hendricks disclose wherein the offset value is provided by a content server (control data, such as offset values, provided by the Operations Center; see Hendricks at column 4, lines 8-24).

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut, Debey, Budow, Fluss and Hendricks as applied in claim 5 above, and further in view of Ganek.

As to claim 9, while Blahut, Debey, Budow, Fluss and Hendricks disclose wherein a processor is arranged to transmit a plurality of data streams with an offset value, they fail to specifically disclose wherein the first data stream loops at least once.

In an analogous art, Ganek discloses a near video on demand system (Fig. 1) where a program continuously transmits (loops) over a primary channel (Fig. 5b, column 1, lines 55-60) for the typical benefit advantage of providing the video programming for an extended period of time.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Blahut, Debey, Budow, Fluss and Hendricks' system to include wherein the first data stream loops at least once, as taught by Ganek, for the typical benefit of providing the video programming to viewers for an extended period of time.

Response to Arguments

14. Applicant's arguments filed 05/06/04 have been fully considered but they are not persuasive.

1. On page 7, paragraph 2, lines 6-11, applicant argues that Blahut does not disclose a content providing server which is capable of communicating content in response to a request.

a. This argument has been considered but is moot in view of the new ground(s) of rejection.

Furthermore, this feature is implicit in the field of the invention – i.e. Near Video On-Demand (NVOD) as stated by applicant on page 7, paragraph 2, lines 11-12.

b. While applicant states that **all** the claims were amended to recite the feature that the content providing server communicates content in response to a request, only independent claim 1 was actually amended to recite this feature.

2. On page 7, paragraph 2, lines 12-14, applicant states that programming center 121 and program library 122 are not capable of responding to a request for content.

In response, there is nothing within the Blahut reference with states or implies that the servers are not **capable** of responding to a request. More specifically, applicant is directed to column 3, lines 42-46 of the Blahut (5,446,490) reference as previously cited. It clearly states that content in the program **library** may be accessed by subscribers in conjunction with an ITV service or application. This would make programming library 122 perfectly **capable** of responding a request for content.

3. On page 7, paragraph 3, applicants' argument has been considered but is moot in view of the new ground(s) of rejection.

4. On page 7, paragraph 3, lines 1-5, while applicant states that **all** the claims were amended to include control data, all of the independent claims **except** claim 22 have been amended to include this feature.

5. On page 7, paragraph 2, lines 1 and 2, applicant argues that the claimed features of the invention are nowhere to be found in the cited references.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

6. On page 7, paragraph 2, lines 2-4, applicant argues that Blahut fails to suggest that bandwidth is a problem or hint at the solution of the present invention.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., bandwidth reduction) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2614

16. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS


CHRIS GRANT
PRIMARY EXAMINER